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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA
“NIRVACHAN SADAN”, PLOT NO. 2, SECTOR-17
PANCHKULA-134109

Notification

The 28th February, 2018

No. SEC/4E-II/2018/358.— Whereas, Director Development Panchayat, Haryana vide its Memo No.13458 dated 21.02.2018 has informed that the vacancy of Panch Ward No.10, Gram Panchayat Garnala in Block Ambala-II and of Sarpanch Gram Panchayat Laha in Block Naraingarh caused due to resignation which have been accepted by the Competent Authority under order dated 16.12.2017 and 23.01.2018, respectively.

2. Whereas, an Election Tribunal, Sohna in election petition Monika Vs. Poonam vide order dated 25.04.2017 set aside the election of elected member Ward No.1, Zila Parishad, Gurgaon. Hon'ble Punjab and Haryana High Court *vide* orders dated 27.02.2018 in CWP No.11018 of 2017 titled Poonam Vs. State of Haryana and another upheld the orders of Election Tribunal and the appeal has been dismissed.

3. Whereas, in view of above, the State Election Commission in exercise of powers vested under clause (1) of Article 243K of the Constitution of India and under Rule 24 of the Haryana Panchayati Raj (Election) Rules, 1994 and all other powers enabling in this behalf and in pursuance of the provisions contained in Sub-Section (1) of Section 161 and Sub-Section (2) of Section 211 of the Haryana Panchayati Raj Act, 1994, hereby prescribe the time schedule for the conduct of bye-elections to fill up the vacant seat of the Sarpanch, Gram Panchayat Laha, Block Naraingarh, District Ambala, Panch ward No.10, Gram Panchayat Garnala, Block Ambala II, District Ambala and member ward No. 1, Zila Parishad Gurugram, as under:-

(Time Schedule)

Sr. No.	Programme	Date
1.	Date on which notice shall be published by the District Election Officer (Panchayat) in Form 2 or 3, as the case may be, for inviting nominations under rule 24 of the Haryana Panchayati Raj Election Rules, 1994.	12.03.2018
2.	Dates on which Nomination papers shall be presented under Rule 24(2)(i).	17.03.2018 to 22.03.2018 (Except on 18.03.2018 being Sunday) (10.00 A.M to 3.00 P.M.)
3.	Dates on which the list of Nomination papers received shall be pasted under Rule 24(2) (ii).	17.03.2018 to 22.03.2018
4.	Date by which Affidavit/declaration shall be furnished by the candidate in Form 4-A & 4-B, to the concerned Returning Officer. (Rule 27).	17.03.2018 to 22.03.2018
5.	Date on which the nomination papers shall be scrutinized under Rule 24(2)(iii).	24.03.2018 (10.00 A.M. onwards)
6.	Last date for withdrawal of candidature by a candidate under Rule 24(2)(iv).	26.03.2018 (upto 3.00 P.M.)
7.	Date on which symbols shall be allotted to the contesting candidates.	26.03.2018 (After 3.00 PM)
8.	Date on which the list of contesting candidates shall be pasted under Rule 24(2)(v).	26.03.2018 (immediately after the allotment of symbols)
9.	Date on which the poll, if any, shall be held under Rule 24(2) (vi).	08.04.2018 (Sunday)
10.	Timing of the poll	Between 8.00 A.M. to 4.00 P.M.
11.	Counting of votes	(i) Immediately after the close of poll. (ii) In case of re-poll, the Commission may change the date and time of counting of votes.

3. It is further directed as under:-

- (a) If there is any stay order passed by any competent authority or Court against the vacancy, the election to this seat shall not be held and a report to that effect be sent to the Commission, immediately.
- (b) During the period of elections, no new development work in the said Panchayats be started.
- (c) The District Election Officers (Panchayat), Ambala and Gurugram shall by notice in Form 2 or 3, as the case may be,, specify the above programme i.e. (i) last date, time and place of making nominations; (ii) the date, time and place for scrutiny of the nomination papers (iii) date and time for withdrawal of candidature (iv) preparation of list of contesting candidates and allotment of symbols (v) date and time during which the poll will be held and (vi) date, time and place of counting of votes in accordance with the provisions contained in Rule 24 of the Haryana Panchayati Raj (Election) Rules, 1994 and will send a copy of the notice to the Commission by fax and email.

- (d) Nomination papers for the election to Panch and Sarpanch shall be filed and received at Headquarter of the Gram Panchayat concerned and for the member of Zila Parishad at the Headquarter of the Block concerned by the Returning Officer/Assistant Returning Officer .
- (e) The work of scrutiny of nomination papers should not be delegated to the Assistant Returning Officer.
- (f) The Returning Officer shall supply nomination paper (Form-4) and affidavit/declaration forms i.e. Form 4-A & 4-B on demand to the contesting candidates, contesting the election of the seat of Panch, Sarpanch and member Zila Parishad
- (g) The Returning Officer shall also obtain an affidavit/declaration in Form 4-A and 4-B (reflecting the latest position of dues etc.) alongwith required documents during the prescribed period mentioned at Sr. No. 4 of the time schedule, from those candidates who have filed the nomination.
- (h) The Returning Officer shall make the scrutiny of all the nomination papers on the day fixed for scrutiny.
- (i) Immediately after the withdrawal of candidature, the Returning Officer shall prepare a list of contesting candidates in the prescribed form i.e. in Forms 6, 7 & 9 (as the case may be) and shall mention the symbol allotted to the contesting candidates against his/her name at column No. 4. After the allotment of symbol, the signature of the contesting candidates or his election agent should be obtained in the relevant form as token to the fact that the candidates have been informed about the symbol allotted to him/her.

4. NOTA (None of the above) option will be used in the elections of Sarpanch and member Zila Parishad, so that voters who come to the polling stations and decide not to vote for any candidate in fray, are able to exercise their right not to vote with maintaining their right of secrecy.

5. It is further directed that the counting of votes shall be done immediately after the close of poll at the polling stations, but before starting counting, the Returning Officer concerned shall ensure that the voting at all the polling booths under his control has been completed. If re-poll is recommended, the Commission may change the date and time of counting.

6. It is further directed that all voters of the respective area who have been issued the Electoral Photo Identity Cards for Assembly and Lok Sabha Elections and the Electoral Photo Identity Card numbers have been mentioned in case of the Panchayat Voters list also, shall have to produce these cards to exercise their franchise when they come to the polling stations for voting. If any elector has not been issued Electoral Photo Identity Cards by the Election Commission of India, he/she will have to produce any one out of the following documentary evidence to establish his/her identity:--

(i)	Driving License,
(ii)	Income Tax Identity (PAN) Card,
(iii)	Service Identity Card issued to employees by Central/State Government Offices, Public Sector Undertakings, Local Bodies or other public Limited Company,
(iv)	Pass Book of accounts, having photograph, opened in a scheduled bank or post office,
(v)	Freedom Fighter Identity Card having photograph,
(vi)	SC/ST/OBC certificate having photograph, issued by competent authority
(vii)	Certificate of Physical Handicap having photograph issued by the Competent Authority,
(viii)	Arms License having photograph,
(ix)	Job Cards with photograph issued under the National Rural Employment Guarantee Scheme,
(x)	Property documents with photographs such as Pattas, Registered Deeds etc,
(xi)	Pension Documents such as Ex-Servicemen Pension Book/Pension Payment Order, Ex-Servicemen's Widow/Dependent Certificate, Old Age Pension Order, Widow Pension Order, with photograph,
(xii)	Health Insurance Scheme Smart Cards with Photograph,
(xiii)	Ration Cards or any other similar documents establishing identity of the electors to the satisfaction of the Presiding Officer, having photograph.
(xiv)	Aadhar Card issued by UIDAI
(xv)	Passport

An odd elector, who does not have any of the above cards would be allowed to vote, if he/she is able to establish his/her identity to the satisfaction of the Presiding Officer and such other Polling Officer authorized by the Presiding Officer in this behalf.

7. It is also clarified that if the voter list of Zila Parishad, Gurugram has not been updated, the validity or continued operation of existing voter list shall not thereby be affected, as provided in Rule 12 of the Haryana Panchayati Raj Election Rules, 1994.

8. It is further directed to make the following security arrangements for the conduct of free, fair and peaceful elections.

- i. Adequate police personnel shall be deployed at the polling stations, counting centers for security and maintenance of law and order to ensure peaceful, smooth and fair election.
- ii. Daily law and order report shall be sent to the State Election Commission till the election process is completed.
- iii. A copy of the plan for deployment of Executive Magistrates and police personnel be also sent to this Commission well in time.
- iv. Provide security to the contesting candidates, if they desire so.
- v. It shall be ensured that no untoward incident takes places during elections.

9. In order to curb undesirable and illegal activities, the Commission hereby imposes restriction to hire or procure not more than 2 vehicles or vessels whether on payment or otherwise for use by a contesting candidate himself or his agents or his supporters on the day of poll during the Panchayat Election. It is also stated that:

- i. The expression "Vehicle" means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power or otherwise, and whether used for drawing other vehicle or otherwise.
- ii. The contesting candidates should be issued permits as per proforma prescribed by the Commission appended herewith. The permits should be issued to the contesting candidates at least 2 days before the day of poll.
- iii. The District Administration shall keep a close watch on the vehicles used by persons accompanying the contesting candidates and their supporters to prevent any possible mischief, including criminal activities like carrying of illegal arms and weapons. If any of these vehicles, either of a contesting candidate or a private owner, is found to be involved in any such act or for carting anti-social elements with a view to intimidating or creating terror in the minds of the voters, it should be the duty of the local administration to impound such vehicles and not to release them till the process of elections is completed. In addition, accordingly action against the owner, the occupant/occupants and the candidate who is involved in such illegal activities shall also be taken as per law.
- iv. The District Administration shall launch a drive for checking the vehicles immediately upon the announcement of the elections and shall continue the drive till the completion of the process of elections.
- v. All recognized National/State Political Parties in the State of Haryana and each contesting candidates, or an agent authorized by him be intimated in this respect.
- vi. Permit in this respect shall be issued in the performa given here as under:-

PROFORMA
PANCHAYAT ELECTIONS APRIL, 2018

Permit No. _____

Gram Panchayat/Zila Parishad _____

Name of Candidate _____

Vehicle Number _____

Returning Officer (P)

Seal

10. It is further directed that the votes for the election shall be given by recording of votes by voting machines [Electronic Voting Machines (EVMs)].

11. It is further directed that the Deputy Commissioner-cum-District Election Officer (Panchayat), Ambala and Gurugram shall send names of the elected person to this Commission within a period of one week from the date of declaration of election result, both in Hindi and English as per procedure prescribed by the State Election Commission *vide* its order No. S.E.C./3E-II/2011/748 dated 16.05.2011. The names received thereafter will not be considered for notification by this Commission and the Deputy Commissioner shall personally be held responsible for any consequences arising thereof.

12. It is also further directed that the Deputy Commissioner-cum- District Election Officer (Panchayat) Ambala and Gurugram shall send a report of the contesting candidates, who have filed and not filed their election expenditure statement within 30 days from the declaration of election result, as required under the Haryana Panchayati Raj Election Expenditure (Maintenance and Submission of Accounts) Order, 1996 issued under Endst. No. SEC/3E-II/96/7675-97 dated 07.06.1996. The report in this regard must reach this Commission within 45 days after the declaration of election result.

Panchkula:
the 9th March, 2018.

DR. DALIP SINGH,
State Election Commissioner, Haryana.